

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
LAREDO DIVISION**

JESUS PAEZ

vs.

**WELLINGTON RISK INSURANCE
AGENCY, INC.**

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Case No. _____

DEFENDANT SUSSEX INSURANCE COMPANY'S NOTICE OF REMOVAL

TO THE HONORABLE JUDGE OF SAID COURT:

Pursuant to 28 U.S.C. §§ 1441 and 1446, Defendant, **SUSSEX INSURANCE COMPANY**, formerly known as **COMPANION PROPERTY & CASUALTY INSURANCE COMPANY** ("Sussex") files its Notice of Removal to the United States District Court for the Southern District of Texas, Laredo Division, on the basis of diversity of citizenship and amount in controversy, and respectfully shows the following.

I.

Factual Background

1. On or about May 26, 2016, Plaintiff filed its First Amended Petition in a case styled *Jesus Paez v. Wellington Risk Insurance Agency, Inc.*, Cause No. 2016CVF000242D4, pending in the 406th Judicial District Court for Webb County, Texas.

2. Sussex was served with the First Amended Petition on May 27, 2016. Sussex filed its Original Answer to Plaintiff's First Amended Petition on June 10, 2016.

3. Wellington Risk Insurance Agency, Inc. ("Wellington") was nonsuited on May 26, 2016.

4. Sussex files this notice of removal within 30 days of service of citation and within one year from the commencement of the action. *See* 28 U.S.C. §1446(b) and (c).

6. Attached hereto are copies of the following documents:

- **Exhibit A:** The state court's Docket Sheet;
- **Exhibit B:** Plaintiff's First Amended Petition;
- **Exhibit C:** Citation served on Sussex;
- **Exhibit D:** Sussex's Original Answer to Plaintiff's Original Petition; and
- **Exhibit E:** List of Parties and Counsel

II.

Basis For Removal

7. Removal is proper based upon diversity of citizenship under 28 U.S.C. §§ 1332(a)(1), 1441(a), and 1446.

Plaintiff and Sussex Are Diverse

8. Upon information and belief, Jesus Paez ("Paez" or "Plaintiff") was a resident of the state of Texas at the time the lawsuit was filed.

9. Sussex Specialty Insurance Company is and was at the time the lawsuit was filed, an Oregon domiciled insurance company with its principal place of business in California.

b. The amount in controversy exceeds the jurisdictional requirements for subject matter jurisdiction.

10. As alleged in their Original Petition, Plaintiff seeks monetary relief between \$100,000 and \$200,000. *See* Plaintiff's First Amended Petition, paragraph 70 (**Exhibit B**). Therefore, the amount in controversy exceeds the jurisdictional requirements for removal.

III.

The Removal is Procedurally Correct

11. Because Plaintiff is a citizen of Texas, Defendant Sussex is a citizen of South Carolina and complete diversity of citizenship exists among the parties.

12. Because the amount in controversy exceeds \$75,000, this Court has subject matter jurisdiction under 28 U.S.C. § 1332, and this removal action is proper.

13. This Notice of Removal is timely because this Notice of Removal is being filed within 30 days after service and within one year from the commencement of the action under 28 U.S.C. § 1446(b) and (c).

14. Venue is proper in this District and Division under 28 U.S.C. §1446(a) because this District and Division include the county in which the state action has been pending and because a substantial part of the events giving rise to Plaintiff's claims allegedly occurred in this District and Division.

15. Pursuant to 28 U.S.C. §1446(a), all pleadings, process, orders, and all other filings in the state court action are attached to this Notice.

16. Promptly after Sussex files this Notice of Removal, written notice of the filing will be given to Plaintiff pursuant to 28 U.S.C. §1446(d).

17. Promptly after Sussex files this Notice of Removal, a true and correct copy of same will be filed with the Clerk of the Hidalgo County District Court pursuant to 28 U.S.C. §1446(d).

IV.

Conclusion

18. Based upon the foregoing, the exhibits submitted in support of this removal, and other documents filed contemporaneously with this Notice of Removal, Sussex hereby removes this case to this Court for trial and determination.

Respectfully submitted,

THOMPSON, COE, COUSINS & IRONS, L.L.P.

By: /s/ George H. Arnold

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**ATTORNEYS FOR DEFENDANT SUSSEX
INSURANCE COMPANY**

CERTIFICATE OF SERVICE

This is to certify that on the 27th day of June, 2016, a true and correct copy of the foregoing document was delivered to all counsel of record, via facsimile, email or certified mail, return receipt requested, in accordance with the Texas Rules of Civil Procedure:

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/s/ Marilyn S. Cayce
Marilyn S. Cayce